

SUBSTITUTED TRUSTEE'S DEED

WHEREAS, on March 10, 1999, James D. Pearson as recorded in the office of the Chancery Clerk of DeSoto County, Mississippi, in Book 1093 at Page 727, executed a Deed of Trust to T. Harris Collier, III, Trustee for the benefit of Trustmark National Bank, securing an indebtedness therein described and covering the property hereinafter described and being a renewal and extension of that certain Deed of Trust dated February 25, 1998, executed by James D. Pearson to T. Harris Collier, III, Trustee for the benefit of Trustmark National Bank and recorded in Book 973 at Page 501; and,

WHEREAS, by instrument dated March 11, 2003, and of record in Book 1678 at Page 0112 of the records in the Office of the Chancery Clerk of DeSoto County, Mississippi, Trustmark National Bank, the holder of the indebtedness secured by said Deed of Trust did appoint J. Mark Franklin, III as Substituted Trustee, in the place and stead of the original trustee and any other subsequently named Trustee in said Deed of Trust; and,

WHEREAS, I did advertise the hereafter described property for sale in the *DeSoto Times Today*, Hernando, Mississippi, on April 3, 2003, April 10, 2003, April 17, 2003, April 24, 2003; and,

WHEREAS, default having been made in the terms and conditions of said Deed of Trust and the entire debt secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, and the legal holder of said indebtedness, Trustmark National Bank, having requested the undersigned Substituted Trustee to execute the trust and sell said land and property in accordance with the terms of said Deed of Trust for the purpose of raising the sums due thereunder, together with attorneys' fees, Substituted Trustee's fees and expenses of sale; and,

WHEREAS, the Substituted Trustee's Notice of Sale, in accordance with the hereinbefore mentioned Deed of Trust, provided that said property would be sold between the legal hours of 11:00 a.m. and 4:00 p.m., at the DeSoto County Courthouse at Hernando, State of Mississippi; and,

WHEREAS, the undersigned Substituted Trustee, after posting and publication of Notice of Sale as required by the terms of the Deed of Trust and the laws of the State of Mississippi within the legal hours (being between the hours of 11:00 a.m. and 4:00 p.m.) on the 29th day of April, 2003, at public outcry, offered the hereinafter described property for sale at the East Front Door of the DeSoto County Courthouse at Hernando, Mississippi; and,

WHEREAS, everything necessary to be done was done to make and effect a good and lawful sale; and,

WHEREAS, at such sale Miami C. Smith and Vivian Darlene Johns bid the sum of \$47,000.00; and,

WHEREAS, said bid by Miami C. Smith and Vivian Darlene Johns was the highest and best bid; and,

WHEREAS, the within described property was there and then struck off to Miami C. Smith and Vivian Darlene Johns, and they were declared the purchasers thereof; and,

NOW, THEREFORE, I, J. Mark Franklin, III Substituted Trustee, in consideration of the full payment of the sum of \$47,000.00 do hereby sell and convey to Miami C. Smith and Vivian Darlene Johns, as Joint Tenants with full rights of survivorship and not as tenants in common, the following described property located and situated in DeSoto County, Mississippi, to-wit:

Beginning at a point 1763.0 feet East and 200.0 feet North of the SW corner of Section 27, Township 2 South, Range 9 West, which point is the center of Baker Road and marked by an iron pin; thence North 32 degrees 17 minutes East along Baker Road 214.3 feet to an iron pin; thence South 69 degrees 13 minutes East 167.3 feet to an iron pipe; thence South 20 degrees 47 minutes West 210.0 feet to an iron pipe; thence North 09 degrees 13 minutes West 210.0 feet to the point of beginning, containing 0.91 acres, more or less lying in the Southwest Quarter.

I convey only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE, this the 8th day of May, 2003.



J. Mark Franklin, III Substituted Trustee

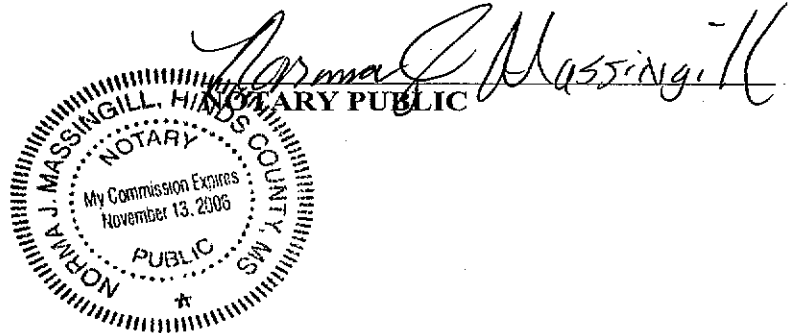
BK0443PG0435

STATE OF MISSISSIPPI:

COUNTY OF MADISON:

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority, in and for the aforesaid county and state, on this the 8th day of May, 2003, within my jurisdiction, the within named J. Mark Franklin, III Substituted Trustee, who acknowledged to me that he executed the above and foregoing Substituted Trustee's Deed on the year and date therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE.



MY COMMISSION EXPIRES:

GRANTOR'S ADDRESS:

J. Mark Franklin, III Substituted Trustee
P.O. Box 2488
Ridgeland, Mississippi 39158-2488
(601) 856-5794
No second number

GRANTEE'S ADDRESS:

Miami C. Smith and Vivian Darlene Johns
2244 Byhalia Rd.
Hernando, MS 38632
(662) 429-7921
(662) 429-2398

Prepared by:

J. Mark Franklin, III
MCKAY SIMPSON LAWLER FRANKLIN
& FOREMAN, PLLC
Attorney at Law
P.O. Box 2488
Ridgeland, Mississippi 39158-2488
(601) 856-5794

INDEXING INSTRUCTIONS: 1763.0 feet East and 200.0 feet North of SW corner of Section 27, T2S, R9W, DeSoto County, Mississippi

May 9 10 55 AM '03

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

BK 443 PG 433
W.E. DAVIS CH. CLK.

Lisa Fuller personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times Today, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

**SUBSTITUTED TRUSTEE'S
NOTICE OF SALE**

WHEREAS, on March 10, 1999, James D. Pearson as recorded in the office of the Chancery Clerk of DeSoto County, Mississippi, in Book 1093 at Page 727, executed a Deed of Trust to T. Harris Collier, III, Trustee for the benefit of Trustmark National Bank, securing an indebtedness therein described and covering the property hereinafter described and being a renewal and extension of that certain Deed of Trust dated February 25, 1998, executed by James D. Pearson to T. Harris Collier, III, Trustee for the benefit of Trustmark National Bank and recorded in Book 973 at Page 501; and,

WHEREAS, said Trustmark National Bank, under the power granted to it in said Deed of Trust, by instrument of date March 11, 2003, duly spread upon the record and recorded in Book 1678 at Page 0112 in the office of the Chancery Clerk aforesaid, did substitute the undersigned J. Mark Franklin, III, in the place and stead of the original Trustee and of any other Substituted Trustee; and,

WHEREAS, default having been made by said James D. Pearson in the payment of the above mentioned indebtedness as it fell due, and payment having been requested by Trustmark National Bank, the legal holder of the indebtedness secured by and described in the above mentioned Deed of Trust; and,

WHEREAS, the undersigned was called upon to execute the Trust therein contained, the owner of the indebtedness secured by said Deed of Trust, having declared it due and payable, and to sell said property under the provisions of said Deed of Trust for the purpose of raising said sum so secured and unpaid, together with the expenses of selling same, including Trustee's and attorneys fees;

NOW, THEREFORE, I, the undersigned J. Mark Franklin, III, being the Substituted Trustee, do hereby give notice that on April 30, 2003, between 11:00 o'clock a.m. and 4:00 o'clock p.m., being legal hours of sale, I will proceed to sell at public outcry, to the highest bidder for cash, at the East Front Door of the DeSoto County Courthouse in Hernando, State of Mississippi, the following real property described and conveyed in said Deed of Trust, lying and being situated in DeSoto County, Mississippi and being more particularly described as follows, to-wit:

Beginning at a point 1763.0 feet East and 200.0 feet North of the SW corner of Section 27, Township 2 South, Range 9 West, which point is the center of Baker Road and marked by an iron pin; thence North 32 degrees 17 minutes East along Baker Road 214.3 feet to an iron pin; thence South 69 degrees 13 minutes East 167.3 feet to an iron pipe; thence South 20 degrees 47 minutes West 210.0 feet to an iron pipe; thence North 09 degrees 13 minutes West 210.0 feet to the point of beginning, containing 0.81 acres, more or less lying in the Southwest Quarter.

I will convey only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE, this the 28th day of March, 2003.

J. MARK FRANKLIN, III
SUBSTITUTED TRUSTEE
MCKAY SIMPSON LAWLER
FRANKLIN

Volume No. 108 on the 3 day of April, 2003

Volume No. 108 on the 10 day of April, 2003

Volume No. 108 on the 17 day of April, 2003

Volume No. 108 on the 24 day of _____, 2003

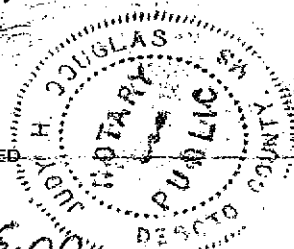
Volume No. _____ on the _____ day of _____, 2003

Lisa Fuller

Sworn to and subscribed before me, this 24 day of April, 2003

BY *Judy N. Douglas*

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2005
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED



A. Single first insertion of 550 words @ .12 \$ 66.00

B. 3 subsequent insertions of 1650 words @ .10 \$ 165.00

C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 234.00

- On the Square- Hernando, MS 38632 • 601.429.6397 • Fax: 429.5229
by 51 North, Southaven, MS 38671 • 601.393.6397 • Fax: 393.6463